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SUBJ: ANTITRUST CASE U. S. V. IBM

1. AS PART OF ITS WORK ON THE RELIEF PROPOSED BY THE U. S. GOVT. IN ITS ANTITRUST CASE AGAINST IBM (69 CIV. 200, S. D. N. Y.) THE ANTITRUST DIVISION OF THE U. S. DEPT. OF JUSTICE REQUESTS THE INFORMATION DESCRIBED BELOW. IT IS REQUESTED THAT THIS INFORMATION BE OBTAINED INFORMALLY WITHOUT ANY OFFICIAL APPROACH TO FOREIGN GOVERNMENTS. UNDER NO CIRCUMSTANCES SHOULD IBM OR ITS FOREIGN AFFILIATES BE CONTACTED DIRECTLY OR BE MADE AWARE OF THE ISSUANCE OF THIS REQUEST. OTHER KNOWLEDGEABLE PERSONS MAY BE APPROACHED AS NEEDED.

2. DESCRIBE THE CORPORATE FORM UNDER WHICH IBM OPERATES IN THE COUNTRY CONCERNED, INCLUDING SUBSIDIARIES OR AFFILIATES. INCLUDE, WHERE AVAILABLE, DETAILS CONCERNING DOMICILE, CAPITALIZATION, MINORITY STOCKHOLDERS, OFFICERS, AND PLANTS AND RESEARCH ESTABLISHMENTS.

3. WHO ARE IBM'S PRINCIPAL COMPETITORS IN THE COUNTRY, WHETHER AMERICAN, LOCAL OR THIRD- COUNTRY? WHERE POSSIBLE
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ESTIMATES OF MARKET SHARES SHOULD BE INCLUDED, TOGETHER

WITH ANY RELEVANT HISTORY.

4. SUMMARIZE SEPARATELY IMPORTS AND EXPORTS OF COMPUTERS AND OF PERIPHERAL EQUIPMENT BY COUNTRY OF ORIGIN AND DESTINATION FOR THE MOST RECENT FIVE YEARS. INDICATE ANY TARIFF OR NON- TARIFF BARRIERS TO WHICH TRADE IN COMPUTERS OR PERIPHERALS MAY BE SUBJECT.

5. DESCRIBE NATIONAL GOVERNMENT POLICIES CONCERNING THE COMPUTER INDUSTRY, ESPECIALLY THOSE INTENDED TO FAVOR LOCAL PRODUCERS (OR PRODUCERS FROM COUNTRIES OTHER THAN U. S.), AND INDICATE THE DEGREE OF SUCCESS OF THESE POLICIES.

6. WHAT, IF ANY, HAVE BEEN LOCAL REACTIONS TO THE ANTITRUST CASE AGAINST IBM? HAVE DEVELOPMENTS IN THIS CASE HAD ANY EFFECT ON GOVERNMENT POLICIES CONCERNING COMPUTERS? HAS ANY ACTION EVER BEEN TAKEN OR PROPOSED AGAINST IBM UNDER NATIONAL LAWS CONCERNING COMPETITION OR RESTRICTIVE BUSINESS PRACTICES?

7. WHAT IS THE LIKELY EFFECT OF A BREAKUP OF IBM INTO SEVERAL BROAD- LINE COMPANIES, ON THE LOCAL COMPUTER MARKET? IS SUCH DIVESTITURE LIKELY TO STRENGTHEN OR WEAKEN ANY GOVERNMENT EFFORTS TO BUILD UP LOCAL OR REGIONAL COMPUTER FIRMS? AS PART OF A WORLD- WIDE DIVESTITURE WHAT WOULD HAPPEN IF THE LOCAL IBM OPERATIONS WERE ASSIGNED TO ONE SUCCESSOR COMPANY, ALTERNATIVELY IF THEY WERE DIVIDED AMONG TWO OR MORE SUCCESSOR COMPANIES?

8. IN THE U. S. IBM CAN BE SUED FOR DAMAGES ON THE BASIS OF A COURT FINDING THAT IT HAS MONOPOLIZED THE INDUSTRY. CAN SIMILAR SUITS BE BROUGHT UNDER LOCAL LAW IN THE COUNTRY CONCERNED? IF SO, WHO ARE LIKELY TO BE THE PRINCIPAL CLAIMANTS?

9. ANSWERS TO THE ABOVE QUESTIONS ARE REQUESTED NO LATER THAN MAY 15, 1973.

10. REPLIES SHOULD BE CLASSIFIED AND CLEARLY INDICATE
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RECORD IN THE UNITED STATES AND (2) WHICH INFORMATION MAY NOT BE MADE PART OF THE PUBLIC RECORD IN THE UNITED STATES.
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